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**FILED**

FEB X 1 2006

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION  
12


13  
14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 REY MARTINEZ,

18 Defendant.  
19

No. CR 04-0189 VRW 

STIPULATION AND ~~[PROPOSED]~~  
ORDER ADJUSTING MOTION  
BRIEFING SCHEDULE AND  
EXCLUDING TIME FROM THE SPEEDY  
TRIAL ACT CALCULATION (18 U.S.C. §  
3161(h)(8)(A))

20 This matter is currently for hearing on defendant's motion to suppress on February 14,  
21 2006. The parties now jointly request that the briefing schedule and hearing date in this matter  
22 be adjusted. This joint request is a result of scheduling issues that have arisen after the setting of  
23 the briefing schedule related to pre-existing professional commitments, a recently completed trial  
24 and witness availability. Furthermore, the government has recently provided additional  
25 discovery materials to the defense which are under review. The parties would like an opportunity  
26 to confer regarding this additional discovery prior to the hearing on defendant's pre-trial motion.  
27 It is the parties' understanding that the Court is available on March 7, 2006.

28 In light of the above, the parties agree, and the Court finds and holds, as follows:

STIPULATION AND [PROPOSED] ORDER  
CR 04-0189 VRW

1. Government's response to defendant's motion to suppress is due no later than Monday, February 13, 2006.

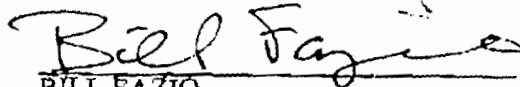
2. Defendant's reply is due no later than Thursday, February 23, 2006.

3. The hearing on defendant's motion to suppress shall take place on Tuesday, March 7, 2006.

4. The time between February 14, 2006 and March 7, 2006 is excluded under the Speedy Trial Act. The parties agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. See 18 U.S.C. § 3161(h)(8)(A).

STIPULATED:

DATED: 1/30/06

  
BILL FAZIO  
Attorney for Defendant Martinez

DATED: 1/30/06

  
JOSEPH A. FAZOLI  
Assistant United States Attorney

IT IS SO ORDERED.

DATED: \_\_\_\_\_

  
VAUGHN R. WALKER  
UNITED STATES DISTRICT JUDGE